

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERINN B. FOLTS and
JOSEPH L. FOLTS,

Plaintiffs,

v.

ORDER
08-CV-255A

EASTERN ASSET MANAGEMENT, LLC.,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On March 3, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that an order of default be entered against defendant Eastern Asset Management, LLC.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, the Clerk of Court shall file an entry of default against defendant Eastern Asset Management, LLC. Plaintiffs shall have 40 days to initiate default judgment proceedings pursuant to Rule 55 of the Federal Rules of Civil Procedure.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 29, 2010